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EXAMINER
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CHOUDHURY, AZIZUL Q

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 08/13/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/606,824

Applicant(s)

SHAH ET AL.

Examiner

Azizul Choudhury

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11/07/2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**Detailed Action**

***Specification***

1. The disclosure is objected to because of the following informalities:
  - On page 4, line 8, a reference is made to probe Pa. Pa in this statement is believed to be Pb.

Appropriate correction is requested.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 7, 8, 13, 16 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "similarly situated" is used in the claims and is considered vague and indefinite.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7-10, 13, 16, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Perlman et al (referred to as Perlman hereafter) (US005805818A).

4. As to claim 1, Perlman teaches: A method of combing voice frame network endpoint probe results, the method comprising:

- Transmitting plural endpoint probes to produce plural endpoint probe results indicating the preparedness of the endpoints for calls routed thereto (indication of lost system connection is viewed as a form of endpoint preparedness indication, column 4, lines 16-19, Perlman);
  - Identifying similarly situated endpoints (neighboring is interpreting as being equivalent to "similarly situated", column 3, lines 55-60, Perlman);
  - Representing each of the similarly situated endpoints by a reduced number of recorded endpoint probe results that substantially represent the preparedness of each of the similarly situated endpoints (An endpoint probe result is viewed as being equivalent to a packet, column 4, lines 11-16, Perlman).
5. As to claim 2, Perlman teaches: caching the reduced number of stored endpoint probe results for each group of similarly situated endpoints (Perlman discloses a design that uses memory for storage, this is equivalent to caching, column 5, lines 26-29, Perlman).
6. As to claim 3, Perlman teaches: said representing includes mapping plural individual network addresses into the network address of a group of plural individual network addresses that represent the similarly situated endpoints and by recording the endpoint probe result for the network address of the group as representative of the preparedness of the similarly situated endpoints (Perlman teaches that the distinct messages of two packets could be combined into one. This is viewed as being equivalent to the mapping to reduced number of probe results, column 4, lines 11-16, Perlman).

7. As to claim 4, Perlman teaches: proxy-reporting the reduced number of recorded endpoint probe results as representative of one or more of the similarly situated endpoints (Perlman teaches that the distinct messages of two packets could be combined into one to be transferred over the network. Transferring over a network is viewed as being equivalent to proxy-reporting. The combining of packets results in the reduced number of probes and are thus considered equivalent, column 4, lines 11-16, Perlman).
8. Claim 7 lists all the same components of claim 1, but as an apparatus instead of a method. A design implemented as a method can be implemented as an apparatus. The explanation of the rejection to claim 1 thus applies equally to claim 7. Furthermore with regards to claim 7, Perlman teaches an apparatus for consolidating plural endpoint probe results into a reduced number of representative endpoint probe results, the apparatus comprising: A mapping mechanism for mapping the probe results for similarly situated endpoints into a reduced number of endpoint probe results that substantially represent the preparedness of each of the similarly situated endpoints (detection of lost connectivity is viewed as a form of endpoint preparedness indication, column 1, lines 9-12, Perlman) (Mapping endpoints to a reduced number of similarly situated endpoints is equivalent to combining two distinct packets into one packet, column 4, lines 11-16, Perlman), the mapping mechanism including executable software instructions for identifying similarly situated endpoints within a voice frame network by their individual network addresses and executable

software instructions for mapping the network addresses of the identified ones of the similarly situated endpoints into a network address that is representative of the similarly situated endpoints (Perlman discloses a design which incorporates software to process the address information within packets. This processing is viewed as being equivalent to the software claimed for identifying similarly situated endpoints by their addresses and mapping accordingly, column 5 line 65 - column 6 line 1, Perlman), and a recording mechanism for recording the reduced number of endpoint probe results (Perlman discloses a design that incorporates memory, this is viewed to be a recording mechanism, column 5, lines 26-29, Perlman).

9. As to claim 8, Perlman teaches: a proxy reporting mechanism for reporting the reduced-and-recorded endpoint probe results as representative of one or more of the similarly situated endpoints that is mapped by said mapping mechanism into such reduced-and-recorded endpoint probe results (Perlman teaches that the distinct messages of two packets could be combined into one to be transferred over the network. Transferring over a network is viewed as being equivalent to proxy-reporting. The combining of packets results in the reduced number of probes and are considered equivalent, column 4, lines 11-16, Perlman).
10. As to claim 9, Perlman teaches: a caching mechanism for caching the reduced-and-recorded probe results for the similarly situated endpoint groups (Perlman discloses a design that uses memory for storage, this is equivalent to caching, column 5, lines 26-29, Perlman).

11. As to claim 10, Perlman teaches: a pinging mechanism for producing the plural endpoint probe results, said pinging mechanism test-probing plural endpoints to determine the preparedness thereof for calls routed thereto (Pinging is a method used to determine if an address is available. Perlman discloses a design that checks nodes to see if they are "alive", which is interpreted to be a form of pining, column 3, lines 55-59, Perlman).
12. Claim 13 lists all the same components of claim 1, but as an apparatus instead of a method. A design implemented as a method can be implemented as an apparatus. The explanation of the rejection to claim 1 thus applies equally to claim 13. As to claim 13, Perlman teaches: A voice frame network address consolidation method for use with pinging endpoints to determine their interconnectivity preparedness, the method comprising:
- Identifying similarly situated endpoints within the voice frame network by their individual network addresses;
  - Mapping the network addresses of the identified ones of the similarly situated endpoints into a network address that is representative of the similarly situated endpoints (Perlman teaches that the distinct messages of two packets could be combined into one. This is equivalent to the mapping to reduced number of probe results, column 4, lines 11-16, Perlman);
  - And utilizing the pinging results (Pinging is a method used to determine if an address is available. Perlman discloses a design that checks nodes to see if they are "alive", which is interpreted to be a form of pining, column 3, lines 55-

59, Perlman) for the mapped-to network address to represent the interconnectivity preparedness of the similarly situated endpoints that are mapped thereto (Perlman teaches that the distinct messages of two packets could be combined into one. This is equivalent to the mapping to reduced number of probe results, column 4, lines 11-16, Perlman).

13. Claim 16 lists all the same components of claim 1, but as an apparatus instead of a medium. The explanation of the rejection to claim 1 thus applies equally to claim 16. As to claim 16, Perlman teaches: A computer-readable medium containing a program for consolidating voice frame network address endpoint probe results to determine their interconnectivity preparedness, the program comprising:

- Instructions for identifying similarly situated endpoints within the voice frame network by their individual network addresses;
- Instructions for mapping the network addresses of the identified ones of the similarly situated endpoints into a network address that is representative of the similarly situated endpoints;
- And instructions for utilizing the pinging results for the mapped-to network address to represent the interconnectivity preparedness of the similarly situated endpoints that are mapped thereto.

14. Claim 19 lists all the same components of claim 1, but as an apparatus instead of a method. The explanation of the rejection to claim 1 thus applies equally to claim 19. As to claim 19, Perlman teaches: Apparatus for consolidating plural



endpoint probe results into a reduced number of representative endpoint probe results, the apparatus comprising:

- Means for identifying similarly situated endpoints within the voice frame network by their individual network addresses;
- Means for mapping the network addresses of the identified ones of the similarly situated endpoints into a network address that is representative of the similarly situated endpoints;
- And means for utilizing the pinging results for the mapped-to network address to represent the interconnectivity preparedness of the similarly situated endpoints that are mapped thereto.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5, 6, 11, 12, 14, 15, 17, 18, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perlman (US Pat: 5574860) in view of Uppaluru (US Pat: 5915001A).

15. As to claim 5, Perlman teaches: A design where the network may be a public or private telecommunications facility (column 5, line 36, Perlman). Perlman however fails to describe the role of an IP phone.

16. In the same field of endeavor, Uppaluru discloses a design that contains a telecommunications system, which incorporates a computer configured to operate as a telephone (column 6, lines 14-15, Uppaluru). Such a device serves as a phone that can work as a gateway to the Internet and is interpreted as being the same as an IP phone.
17. Accordingly, it would have been obvious to one in the art at the time the invention was made to have combined Uppaluru's teaching (the use of a computer as a telephone, column 6, lines 14-15, Uppaluru) with the teachings of Perlman, for the purpose of providing an IP phone as an endpoint to improve voice and speech processing systems (column 2, line 13-14, Uppaluru).
18. As to claim 6, Perlman teaches: A design where the network may be a public or private telecommunications facility (column 5, line 36, Perlman). Perlman however fails to describe the role of an IP gateway.
19. In the same field of endeavor, Uppaluru discloses a design that contains a telecommunications system, which incorporates a computer configured to operate as a telephone (column 6, lines 14-15, Uppaluru). Such a device serves as a phone that can work as a gateway to the Internet and is interpreted as being the same as an IP gateway.
20. Accordingly, it would have been obvious to one in the art at the time the invention was made to have combined Uppaluru's teaching (the use of a computer as a telephone, column 6, lines 14-15, Uppaluru) with the teachings of

Perlman, for the purpose of providing an IP gateway as an endpoint to improve voice and speech processing systems (column 2, line 13-14, Uppaluru).

21. As to claim 11, Perlman teaches: A design where the network may be a public or private telecommunications facility (column 5, line 36, Perlman). Perlman however fails to describe the role of an IP phone.

22. In the same field of endeavor, Uppaluru discloses a design that contains a telecommunications system, which incorporates a computer configured to operate as a telephone (column 6, lines 14-15, Uppaluru). Such a device serves as a phone that can work as a gateway to the Internet and is interpreted as being the same as an IP phone.

23. Accordingly, it would have been obvious to one in the art at the time the invention was made to have combined Uppaluru's teaching (the use of a computer as a telephone, column 6, lines 14-15, Uppaluru) with the teachings of Perlman, for the purpose of providing an IP phone as an endpoint to improve voice and speech processing systems (column 2, line 13-14, Uppaluru).

24. As to claim 12, Perlman teaches: A design where the network may be a public or private telecommunications facility (column 5, line 36, Perlman). Perlman however fails to describe the role of an IP gateway.

25. In the same field of endeavor, Uppaluru discloses a design that contains a telecommunications system, which incorporates a computer configured to operate as a telephone (column 6, lines 14-15, Uppaluru). Such a device serves

as a phone that can work as a gateway to the Internet and is interpreted as being the same as an IP gateway.

26. Accordingly, it would have been obvious to one in the art at the time the invention was made to have combined Uppaluru's teaching (the use of a computer as a telephone, column 6, lines 14-15, Uppaluru) with the teachings of Perlman, for the purpose of providing an IP gateway as an endpoint to improve voice and speech processing systems (column 2, line 13-14, Uppaluru).
27. As to claim 14, Perlman teaches: A design where the network may be a public or private telecommunications facility (column 5, line 36, Perlman). Perlman however fails to describe the role of an IP phone.
28. In the same field of endeavor, Uppaluru discloses a design that contains a telecommunications system, which incorporates a computer configured to operate as a telephone (column 6, lines 14-15, Uppaluru). Such a device serves as a phone that can work as a gateway to the Internet and is interpreted as being the same as an IP phone.
29. Accordingly, it would have been obvious to one in the art at the time the invention was made to have combined Uppaluru's teaching (the use of a computer as a telephone, column 6, lines 14-15, Uppaluru) with the teachings of Perlman, for the purpose of providing an IP phone as an endpoint to improve voice and speech processing systems (column 2, line 13-14, Uppaluru).

30. As to claim 15, Perlman teaches: A design where the network may be a public or private telecommunications facility (column 5, line 36, Perlman). Perlman however fails to describe the role of an IP gateway.
31. In the same field of endeavor, Uppaluru discloses a design that contains a telecommunications system, which incorporates a computer configured to operate as a telephone (column 6, lines 14-15, Uppaluru). Such a device serves as a phone that can work as a gateway to the Internet and is interpreted as being the same as an IP gateway.
32. Accordingly, it would have been obvious to one in the art at the time the invention was made to have combined Uppaluru's teaching (the use of a computer as a telephone, column 6, lines 14-15, Uppaluru) with the teachings of Perlman, for the purpose of providing an IP gateway as an endpoint to improve voice and speech processing systems (column 2, line 13-14, Uppaluru).
33. As to claim 17, Perlman teaches: A design where the network may be a public or private telecommunications facility (column 5, line 36, Perlman). Perlman however fails to describe the role of an IP phone.
34. In the same field of endeavor, Uppaluru discloses a design that contains a telecommunications system, which incorporates a computer configured to operate as a telephone (column 6, lines 14-15, Uppaluru). Such a device serves as a phone that can work as a gateway to the Internet and is interpreted as being the same as an IP phone.

35. Accordingly, it would have been obvious to one in the art at the time the invention was made to have combined Uppaluru's teaching (the use of a computer as a telephone, column 6, lines 14-15, Uppaluru) with the teachings of Perlman, for the purpose of providing an IP phone as an endpoint to improve voice and speech processing systems (column 2, line 13-14, Uppaluru).
36. As to claim 18, Perlman teaches: A design where the network may be a public or private telecommunications facility (column 5, line 36, Perlman). Perlman however fails to describe the role of an IP gateway.
37. In the same field of endeavor, Uppaluru discloses a design that contains a telecommunications system, which incorporates a computer configured to operate as a telephone (column 6, lines 14-15, Uppaluru). Such a device serves as a phone that can work as a gateway to the Internet and is interpreted as being the same as an IP gateway.
38. Accordingly, it would have been obvious to one in the art at the time the invention was made to have combined Uppaluru's teaching (the use of a computer as a telephone, column 6, lines 14-15, Uppaluru) with the teachings of Perlman, for the purpose of providing an IP gateway as an endpoint to improve voice and speech processing systems (column 2, line 13-14, Uppaluru).
39. As to claim 20, Perlman teaches: A design where the network may be a public or private telecommunications facility (column 5, line 36, Perlman). Perlman however fails to describe the role of an IP phone.

40. In the same field of endeavor, Uppaluru discloses a design that contains a telecommunications system, which incorporates a computer configured to operate as a telephone (column 6, lines 14-15, Uppaluru). Such a device serves as a phone that can work as a gateway to the Internet and is interpreted as being the same as an IP phone.
41. Accordingly, it would have been obvious to one in the art at the time the invention was made to have combined Uppaluru's teaching (the use of a computer as a telephone, column 6, lines 14-15, Uppaluru) with the teachings of Perlman, for the purpose of providing an IP phone as an endpoint to improve voice and speech processing systems (column 2, line 13-14, Uppaluru).
42. As to claim 21, Perlman teaches: A design where the network may be a public or private telecommunications facility (column 5, line 36, Perlman). Perlman however fails to describe the role of an IP gateway.
43. In the same field of endeavor, Uppaluru discloses a design that contains a telecommunications system, which incorporates a computer configured to operate as a telephone (column 6, lines 14-15, Uppaluru). Such a device serves as a phone that can work as a gateway to the Internet and is interpreted as being the same as an IP gateway.
44. Accordingly, it would have been obvious to one in the art at the time the invention was made to have combined Uppaluru's teaching (the use of a computer as a telephone, column 6, lines 14-15, Uppaluru) with the teachings of

Art Unit: 2143

Perlman, for the purpose of providing an IP gateway as an endpoint to improve voice and speech processing systems (column 2, line 13-14, Uppaluru).

***Conclusion***

45. Any inquiries with regards to this or previous communications from the examiner should be directed towards Azizul Choudhury whose telephone number is 703-305-7209. Should he be unavailable, please contact his supervisor, David Wiley at 703-308-5221.

  
DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
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